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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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		10/719,475	November 21, 2003
		First Named Inventor	
		Nicholas S. Huslak	
		Art Unit	Examiner
		2169	Linh Black
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 46,673</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

/Marisa J. Dubuc/

Signature

Marisa J. Dubuc

Typed or printed name

860-286-2929

Telephone number

January 22, 2009

Date

☐ *Total of _ forms are submitted.

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Appln. No. 10/719,475
Docket No. 030339 (BLL-0117)

Applicant:	Nicholas S. Huslak, et al.)
) Group Art Unit: 2169
Serial No.:	10/719,475)
) Examiner: Black, Linh
Filed:	November 21, 2003)
) Confirmation No: 3632
For:	A METHOD, SYSTEM, AND STORAGE)
	MEDIUM FOR PROVIDING ADAPTIVE)
	PROGRAMMING LISTINGS OVER A)
	NETWORK)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL REVIEW

In response to the Final Office Action dated November 26, 2008, and in conjunction with the concurrently filed Notice of Appeal, the Applicants submit the following remarks for entry in the above-entitled application.

REMARKS

Claims 1, 3-6, 8-11, 13-16, 18-21, and 23-29 are presently pending in the instant application. In the Final Office Action dated November 26, 2008, the Examiner maintains the rejections of claims 1, 3-6, 8-11, 13-16, 18-21, and 23-29 under 35 USC 102(e) as being anticipated by U.S. Patent No. 2003/0093790 to Logan et al. (hereinafter "Logan"). The Applicants submit that the rejections of claims 1, 3-6, 8-11, 13-16, 18-21, and 23-29 are in error.

Logan teaches a system of collecting and aggregating metadata from various channels in order to identify program and program segments of broadcast programming content that a user is likely to enjoy. Logan also teaches a recording and playback option for capturing relevant content.

With regard to claims 1, 11, and 21 the Examiner maintained all rejections and added a rejection for the newly added element "wherein the user interface includes an option to enable the customer to globally turn off and on preference filtering that allows the customer to access programming that would otherwise be blocked without requiring the customer to edit previously selected customer preferences, wherein presenting the filtered on-screen program guide to the customer includes presenting otherwise blocked titles to the customer when the option is turned off."

Paragraphs [0016]-[0018] of Logan disclose customer preferences and filtering mechanisms. Additionally, paragraphs [0140], [0282], and [0312] of Logan disclose a user interface for use in preventing the listing of a particular content item (i.e., Never Again button), or for sorting, selecting, and viewing content segments. However, there is no teaching or suggestion in Logan of an option to globally turn off and on preference filtering such that the customer may access programming that would otherwise be blocked through the filtering mechanism *without editing the customer selected preferences*, as recited in claims 1, 11, and 21.

Paragraphs [0123]-[0128] of Logan describe a process of using "preference data" which has been generated as a result of processing the metadata collected and aggregated from the channels. In paragraph [0123], Logan describes a process of "highlighting segments of interest" on a program guide for a consumer, based on the preference data.

The Examiner contends that this automatic highlighting is the same as turning off preference filtering as is described in out claim 1. The Examiner appears to focus his argument on the fact that Logan does not teach “edit[ing] previously selected customer preferences” in order to produce the highlighting. Logan, however, does not teach globally turning off preferences temporarily, or otherwise, and therefore does not teach this element of claims 1, 11 and 21.

For at least these reasons, the Applicants submit that the rejections of claims 1, 11, and 21 as being anticipated by Logan are in error. Claims or the art as a whole, and are in condition for allowance. Claims 3-6, 8-10, 13-16, 18-20, and 23-29 depend from what should be an allowable base claims 1, 11, and 21, respectively.

Conclusion

In view of the foregoing, it is urged that the final rejection of claims 1, 3-6, 8-11, 13-16, 18-21, and 23-29 be overturned. The final rejection is in error and should be reversed.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this Request, or credit any overpayment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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Applicants' Attorneys

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